

May 21, 2008

## San Onofre Nude Beach Under Attack

Dear San Onofre Friends,

Friends of San Onofre Beach was formed in 1995 by my predecessor, Marianna Handler. At the time, clothing optional use of our beach was threatened by incidents of illegal lewd behavior on the beach. Our beach is again threatened by a combination of irresponsible individuals engaging in illegal conduct of a sexual nature, and a change in local park management, who are willing to sacrifice the rights of the many law abiding naturists in order to rid the beach of the few miscreants. The people who engage in lewd conduct at the beach have always been laboring under the mistaken belief that, since nudity at the beach is illegal (which it is **not**) then they are free to engage in whatever kind of illegal (and it **is** illegal) lewd behavior they wish.

As you all know, Friends of San Onofre Beach has always promoted adherence to standard clothing optional beach etiquette and denounced the lewd conduct on the beach. We have worked well with the previous park management and maintained a cordial relationship with the rangers on the ground at trail 6. We have encouraged everyone on the beach to assist in curbing lewd behavior by warning those who engage in such conduct to stop whenever we see it happening. We have always told everyone on the beach that the fastest way to lose our right to be nude on the beach is to allow lewd behavior by others to continue. We have always advocated zero tolerance for lewd behavior. Having said that, many beach regulars have taken a more lazie-fair attitude.

Late in the afternoon on Monday May 19<sup>th</sup>, Rich Haydon, the new Sector Superintendent for San Onofre, contacted me. He told me that Ruth Coleman, Director of California Department of Parks and Recreation had issued an order revoking the longstanding "Cahill Policy" as it applies to the San Onofre trail 6 area, effective June 1, 2008. Those of you who saw me and spoke to me on the beach last Saturday will recall that I had said that all was well with the rangers and park management. Needless to say, I was shocked and incensed by the revelation. I assure you that we will not take this laying down. I have been working closely with the Naturist Action Committee and have contacted the office of DPR Director Coleman's office. Saving our beach is not a one-man job. All of you will be called upon to participate in the effort.

Obviously, local park management saw fit to exclude the public that they are sworn to serve in the dark about the proposed change in policy. When I asked Mr. Haydon why the naturist community had not been contacted prior to announcing the change in policy, he stated that they were not required to involve us in the decision making process. This can be seen only as a sneak attack by local park management.

So what is their supposed justification? According to Mr. Haydon, the "escalating" number of incidents of lewd conduct has created a "sexually charged atmosphere" in the park. The term "sexually charged atmosphere" is a legal term relating to sexual harassment in the workplace. Essentially, their claim is that park employees have

complained that they are being subjected to a “sexually charged atmosphere” and therefore could sue the state on grounds of sexual harassment. These claims are alleged to have come from not only rangers, but also maintenance workers and even those working at the entrance gate. I believe that this absurd claim is the result of local management’s search for an excuse to close the beach to nudity that they believed would have the best chance to succeed. However, the theory has many flaws, some of which may be obvious, and some not so much so.

Any time government acts in secret; the public should be extremely suspicious of its motives and the alleged justification for the action. Yesterday afternoon, Tony Perez, DPR Southern Division Chief, contacted me. We had a long and productive conversation. However, one statement he made cleared up my question as to what was really going on. He has been told, and related to me, that the vast majority of visitors to trail 6 go there for the purpose of engaging in illegal lewd conduct. We all know better than that. Clearly, someone is on a mission to close the beach to nudity and is willing to do anything to make it happen.

On the other hand, Mr. Perez did admit that DPR should have sought public input on the issue prior to making a decision, and has agreed to meet with me and other representatives of the naturist community. Also, there is a possibility that the policy change may be put on hold until further discussion of the issues can be had.

This situation is evolving rapidly, and I have been working closely with the Naturist Action Committee, of which I am a board member. There are many options being explored, including litigation and hiring a lobbyist in Sacramento. For your part, I am asking that each of you to step up to the plate and participate in the fight to save our beach. Please participate in the letter/email campaign per the NAC Action Alert, which is located here:

[http://www.naturistaction.org/AlertsAdvisoriesUpdates/ALERTS/CA\\_San\\_Onofre\\_05-21-08/ca\\_san\\_onofre\\_05-21-08.html](http://www.naturistaction.org/AlertsAdvisoriesUpdates/ALERTS/CA_San_Onofre_05-21-08/ca_san_onofre_05-21-08.html)

The chickens have come home to roost. Zero tolerance for lewd conduct must be maintained. We must also work to discourage people from trespassing onto the marine base. This is necessary because the base has been a safe haven for people engaging in lewd conduct, which has spilled over onto our beach. We simply cannot allow this to happen any longer. I know this will be painful for some of you, but there simply is no other way to bring about the changes necessary to save the beach.

We will be having a rally at San Onofre on Saturday, May 24 at 10:00 AM. Please plan to attend to support our efforts to save our beach, and to learn the latest information on what you can do to help and what FOSOB and NAC are doing. If you can make a sign to support our beach, please bring it.

See you there, and thank you for your support.

R. Allen Baylis, Esq.  
President, Friends of San Onofre Beach  
Director, Naturist Action Committee